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1638

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RE:	Patent Application for	)	Date: September 15, 2003
Inventor(s):	Nyhus	)	Art Unit: 1638
Serial No.:	09/811,049	)	Examiner:
Filed:	March 15, 2001	)	
Title:	INBRED CORN LINE G4901	)	Action: <b>Response to Office Action</b>

**To:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

This is in response to the office action dated 05/14/03, which was nonfinal. An extension of time is included as are the marked claims.

The Applicant respectfully thanks the Examiner for removing the objections to claims 4, 12, 15, and 16.

**Information Disclosure Statement**

The reference M.P Rolston is not believed to add any disclosure that the Examiner would consider relevant to the examination of the claims.

**Claims Objections**

The misspelling in claim 18 has been corrected.

**Claim Rejections –35USC §112**

Regarding the recitation of 'G4901' the Examiner has agreed to hold the rejection in abeyance. The Examiner has noted that the deposit statement in the specification does not state that the viability of the biological material will be tested at the time of deposit, as required by 37 CFR 1.807. The Applicant through its attorney herein states that if the biological material is deposited the viability of the material will be tested at the time of deposit, as required by 37 CFR 1.807.

Regarding the recitation of "protoplasts" in claim 4, this claim has been amended according to the Examiner's suggestion.

Regarding claim 18 the element that is missing has been added. In the maize seed industry there has not yet been a method by which hybrid seed can be manufactured on a large scale that would not de facto incorporate some level of inbred seed in the hybrid production. Therefor in most instances when hybrid seed is planted a trace amount of